

ACE.20793

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>J-W OPERATING COMPANY,</b>	§	
<b>Plaintiff,</b>	§	
	§	
	§	<b>CIVIL ACTION NO.</b>
<b>VS.</b>	§	
	§	
	§	
<b>OILFIELD SERVICES, LLC,</b>	§	
<b>Defendant.</b>	§	

**DEFENDANT OILFIELD SERVICES, LLC'S NOTICE OF REMOVAL**

**OILFIELD SERVICES, LLC** ("Defendant"), Defendant in the above-styled and numbered cause, files this Notice of Removal under 28 U.S.C. § 1446(a).

**I. INTRODUCTION**

1. Plaintiff J-W Operating Company is a corporation organized and existing under the laws of the State of Texas, with its principal place of business in Dallas County, Texas. J-W Operating Company is now, and was at the time this action was commenced, a citizen and resident of the State of Texas.

2. Defendant Oilfield Services, LLC is a Delaware limited liability corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Lafayette, Louisiana. Oilfield Services, LLC is now, and was at the time this action was commenced, a citizen and resident of the States of Delaware and Louisiana.

3. Plaintiff seeks redress from Defendant alleging breach of contract and negligence.

4. On March 24, 2011, Plaintiff filed suit in the 116th Judicial District Court of Dallas County, Texas, Cause No. DC-11-03748. According to the state court's docket sheet, Defendant was served (by mail through CT Corporation) and received notice of this suit on April

4, 2011. Defendant filed this Notice of Removal within the thirty day time period required by 28 U.S.C. § 1446(b).

## **II. GROUNDS FOR REMOVAL**

5. Diversity Jurisdiction. Removal is proper because this lawsuit is between citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs. 28 U.S.C. §§ 1332, 1441. Specifically, Plaintiff asks for damages of “at least \$2,113,397.89.”

## **III. COMPLIANCE WITH REMOVAL PROCEDURES**

6. Attached to this Notice as Exhibit “A” are the following documents required by 28 U.S.C. § 1446(a) and Local Rule LR 81.1(a)(4):

- A. an index of all documents that clearly identifies each document and indicates the date the document was filed in state court;
- B. a copy of the docket sheet in the state court action;
- C. each document filed in the state court action (each document electronically filed as a separate attachment); and
- D. a separately signed certificate of interested persons that complies with LR 3.1(c).

7. Venue is proper in this district under 28 U.S.C. § 1441(a) because the United States District Court for the Northern District of Texas, Dallas Division, embraces Dallas County, Texas, where the state court action was filed and is pending.

8. Defendant will promptly file a copy of this Notice of Removal with the clerk of the state court in which the state court action is pending.

## **IV. JURY DEMAND**

9. Plaintiff has not demanded a jury in the state court action.

**WHEREFORE, PREMISES CONSIDERED**, Defendant respectfully requests that this action be immediately and entirely removed upon filing this Notice of Removal to the United States District Court for the Northern District of Texas, Dallas Division, and for such other and further relief to which it may show itself to be justly entitled.

Respectfully submitted,

/s/Douglas D. Fletcher  
**DOUGLAS D. FLETCHER**

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**ATTORNEYS FOR DEFENDANT  
OILFIELD SERVICES, LLC**

**CERTIFICATE OF SERVICE**

This Will Certify that a true and correct copy of the foregoing instrument has been served in accordance with the Federal Rules of Civil Procedure and this Court's Local Rules on all attorneys of record in this cause of action on the 3rd day of May, 2011.

/s/Douglas D. Fletcher  
**DOUGLAS D. FLETCHER**